

CHARTER

OF THE

Town of Henderson

CAROLINE COUNTY, MARYLAND

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HENDERSON

Section 205. Incorporated; general powers.

(a) *Incorporated; powers.* The inhabitants of the Town of Henderson, in Caroline County, are hereby declared to be a body corporate, by the name of “The Commissioners of Henderson”, and by that name may, in addition to the powers granted in Sections 219, 226, and 228 of this subtitle, (1) sue and be sued, plead and be impleaded in any of the courts of this State, (2) acquire by purchase, condemnation or otherwise, any land or property, or any interest therein which in the judgment of the said Commissioners may be necessary for the use of said corporation for erecting any market house, lock-up, office or any other building or buildings, for establishing or enlarging parks, squares and gardens, for establishing and operating a water supply system, or for opening, extending, widening or straightening any street, lane or alley in said town; (3) hold real, personal and mixed property, or dispose of the same for the benefit of said town, in their discretion; (4) have and use a common seal which may be altered by them at pleasure.

(b) *Property.* All property and funds of every kind belonging to or in possession of the town of Henderson are vested in said corporation, and the said corporation may receive in trust and may control for the purpose of such trust all money or other property which may have been or shall be bestowed upon such corporation by will, deed or any other form of gift or conveyance in trust for any general corporation purpose or in aid of the indigent or for any other purpose within said town; and the said corporation may lease or otherwise dispose of any property now held, or which may be hereafter acquired by said corporation, by first giving proper notice of such lease or sale in one or more of the newspapers printed in Caroline County once a week for three successive weeks before such lease or sale.

(c) *Condemnation.* The said Commissioners of Henderson shall have the right to acquire by condemnation any building or property within the town limits of Henderson which they shall find to be a public menace, or a fire or safety hazard, provided the owners thereof do not alleviate or remedy said menace or hazard within sixty days after notice of a resolution of the said Commissioners declaring said buildings or property to be a menace or hazard, as aforesaid. Condemnation shall be by any legal means or modes provided for condemnation of public property under the laws of this state. (1949, ch. 498, sec. 312D; Res. No. 92-1, 7-3-92.)

Section 206. Boundaries.

The corporate limits of said town shall be as follows: Beginning at a point on the Pennsylvania Railroad where it crosses Long Marsh Ditch at the northern end of said town and running thence in an easterly direction with said ditch to a woods; thence southerly with said woods to its end; thence following a straight line in a southerly direction to a point on the Mud Mill Road 500 feet easterly from the tracks of the said railroad; thence continuing the same course southerly to a ditch; thence southwesterly with said ditch to the said railroad; thence in a straight line in a westerly direction to three marked apple trees; thence in a straight line in a northerly direction to a point on the Bee Tree Road where it crosses a ditch, which point is approximately 900 feet westerly from said railroad; thence with said ditch in a northerly

direction to its intersection with another ditch; thence northeasterly in a straight line to a point on the Mount Zion Road where it crosses another ditch, which point is approximately 1000 feet northwesterly on said road from its intersection with the Bee Tree Road; thence due northeasterly to said Long Marsh Ditch; thence easterly with said ditch to the railroad, the place of beginning. (1949, ch. 498, sec. 312E.)

Section 207. Elections; voters, Commissioners.

(a) *Voters.* The inhabitants of Henderson, who are above the age of twenty-one years, citizens of the State of Maryland and of the United States, resident in said town for at least six months next preceding the election, and no others, shall between the hours and at such places the Commissioners of said town shall appoint, elect by ballot from among the residents and qualified voters of said town persons to serve as Commissioners of Henderson as follows [as described in subsection (b)]:

(b) *Commissioners.* On the fourth Monday in April, one Town Commission member shall be elected each year for a three year term. The three elected Commission members will, as their first order of business upon taking office, elect among them a mayor who shall hold office and execute such duties and have such powers as described elsewhere in the Town of Henderson Charter.

(c) All legislative powers of the Town are vested in a Commission consisting of three members who shall hold office for a term of three years or until their successors take office. The regular term of a Commission member shall expire on the first Commission meeting in May following selection of their successor. Terms of Commission members elected in 2005 will expire in May 2010, and the Charter revision reducing the number of members will become effective.

The three candidates receiving the greatest number of votes in the 2010 election shall be the Henderson Town Commission members and that the candidate receiving the highest total shall be elected to a term of three (3) years; the next highest total will be elected to an initial term of two (2) years; and the third highest total will result in election to a one (1) year term. Thereafter, one Commission member will be elected each year for a three-year term. (1949, ch. 498, sec. 312F; 1953, ch. 322; Res. No. 94-4, 10-25-94; Res. No. 95-1, 3-28-95; Res. No. 96-1, 5-21-96; Res. No. 06-04, 11-07-06.)

Section 208. Same; judges of election.

The Commissioners, or a majority of them, shall be judges of the elections held under the provisions of Section 207 or they may appoint any three voters to act as judges, and the proceedings shall be recorded under their direction; and every Commissioner or person so appointed before he opens an election shall make oath before a justice of the peace or notary public for Caroline County that he will faithfully and impartially permit every person to vote at such election who shall be qualified to vote for Commissioners of said town, and that he will not suffer any person to vote at such election who shall not be legally qualified to vote as provided in

Section 3 of this Act, (See note (1)) and the three persons (or two as the case may be) having the highest number of votes shall be declared elected. (1949, ch. 498, sec. 312G.)

Section 209. Same; tie votes.

If in any election held under the provisions of section 208, two or more persons shall receive the same number of votes, the judges of said election shall, after having given five days' notice of the time and place, proceed to hold another election to fill the position for which the vote was tied, and the person or persons receiving the highest number of votes at said new election, with those previously chose [chosen], if any, shall constitute the Commissioners of Henderson, and such new elections shall be continued by said judges after 5 days' notice for each new election until the required number of Commissioners have been elected. (1949, ch. 498, sec. 312H.)

Section 210. Commissioners; vacancies.

If any vacancy shall occur by death, resignation or removal from the town, of one or more of the Commissioners or failure of a Commissioner to qualify and act, within thirty days after his election, the remaining Commissioners or a majority of them shall elect a proper person to fill the vacancy, provided, that no person shall be elected by said Commissioners to fill such vacancy unless such person has the qualifications necessary for Commissioners elected by the qualified voters of said town, as provided in Section 3 (See note (1)) of this sub-title. (1949, ch. 498, sec. 312-I.)

Section 211. Same; oath of office.

Every Commissioner, before he shall proceed to act as such, shall make and subscribe an oath before some justice of the peace or notary public for Caroline County that he will diligently and faithfully, according to the best of his skill and judgment, perform the duties of Commissioner of Henderson without favor, partiality or prejudice, and a certificate of compliance with this section shall be delivered by the said justice of the peace or notary public to the Commissioners to be filed and recorded among their proceedings. (1949, ch. 498, sec. 312J.)

Section 212. Same; meetings.

The Commissioners shall meet at such place, as they, or a majority of them, may appoint within said town meetings [town. Meetings] shall be held on the first Monday in the month following their election and monthly thereafter and they may hold such additional meetings as they, or a majority of them, shall deem necessary. (1949, ch. 498, sec. 312K.)

Section 213. Officers of town.

The said Commissioners shall elect a Mayor of their board[,] designate a secretary-treasurer, (or a secretary and a treasurer), bailiff, and such number of underbailiffs at any time as they may deem necessary to properly preserve the peace and good order of said town, and they may at any time appoint such other officer or employees as they may deem

necessary for the interest of said town. The Commissioners shall select some member of the Bar of Caroline County to act as legal adviser and attorney for said Commissioners who shall be designated Town Attorney and receive such compensation as the Commissioners may determine. (1949, ch. 498, sec. 312L; Res. No. 01-05, 7-24-01.)

Section 214. Mayor of Commissioners.

The Mayor of said Board of Commissioners shall preside at all meetings unless prevented by sickness or reasonable cause, and in his absence the remaining Commissioners may select a president pro tempore; he shall sign all by-laws and ordinances of said Board of Commissioners, and shall countersign all orders, drafts and checks drawn by the secretary or treasurer under the direction of said Commissioners. (1949, ch. 498, sec. 312M; Res. No. 01-05, 7-24-01.)

Section 215. Officers; oath of office.

All officers designated by the said Commissioners shall be selected from among the citizens of said town qualified to vote for Commissioners, and shall before entering upon their duties make oath before said Commissioners, or any one of them or before a justice of the peace or notary public for Caroline County, that he will well and faithfully perform the duties of his office as now prescribed or as may hereafter be prescribed by law or ordinance to the best of his skill and judgment. (1949, ch. 498, sec. 312N.)

Section 216. Treasurer.

The Treasurer shall, within thirty days from the date of his designation, and before entering upon the duties of his office, give bond to the State of Maryland, with surety or sureties, to be approved by said Commissioners in the penalty of five hundred dollars, or in such penalty over that amount not exceeding one thousand dollars, as the Commissioners shall prescribe, conditioned that he will well and faithfully account for all moneys paid over to him by the bailiff of said corporation, or received by him for the use of said corporation, and shall well and truly pay over to his successors in office, or to the order of said Commissioners, signed by the president, all said moneys, and shall perform all other duties of his office according to law and the ordinances of said Commissioners; he shall keep full and correct account of all moneys received by him, with the sources from which the same were received, and the dates of such receipts and of the disbursements made by him as aforesaid, with the dates thereof, and the person to whom and on what account the same were made, and for what purpose. (1949, ch. 498, sec. 312-O.)

Section 217. Assessments.

All real property in the town of Henderson shall be assessed for all town taxes or assessments at the same value as said property is assessed for state and county taxes. (1949, ch. 498, sec. 312P.)

Section 218. Taxes; lien.

The taxes to be levied on the property so made liable to be valued and assessed shall be a lien on the real estate of the person so indebted from the day on which the levy is made by said Commissioners. (1949, ch. 498, sec. 312Q.)

Section 219. Same; tax rate, use.

The said Commissioners may annually levy upon real property (and only on real property) within said town by a direct tax for the purpose of defraying and settling the expenses likely to be incurred by them on behalf of said corporation; and they may apply and appropriate the funds arising from such tax, as well as all other funds and moneys belonging to said corporation, in their discretion, in paying the cost and expenses of opening, closing, extending, widening, paving and improving the streets, alleys and grounds; for providing street lamps and lighting the same; for fire machinery and apparatus; for the removal of garbage, obstructions and nuisances; for settling pumps and wells for drainage; for the building or laying of sewers; for restricting the spread of contagious diseases; for the payment to their officers or employees a reasonable compensation, and for such other purposes as in their judgment will benefit and subserve the public interest. (1949, ch. 498, sec. 312R; Res. No. 94-4, 10-25-94.)

Section 220. Same; sewer and drainage system.

The Commissioners of Henderson shall have the right to levy an additional annual tax on real property within the town limits for a public sewer or drainage system, not to exceed ten cents on the hundred dollars valuation of the same. (1949, ch. 498, sec. 312S.)

Section 221. Same; collection.

As soon after the expiration of the time for hearing appeals as is practicable, the said Commissioners shall proceed to ascertain the amount necessary to be levied for the use of said corporation and the rate of taxation; and shall cause to be made and delivered to the bailiff a book containing an alphabetical list of the taxpayers in said town, together with the aggregate assessment of each, and the rate of taxation, and the amount of taxes due and owing from each taxpayer under said levy and assessment. (1949, ch. 498, sec. 312T.)

Section 222. Bailiff.

The bailiff designated by said Commissioners shall, before entering upon the duties of his office execute to the State of Maryland a bond with surety or sureties, to be approved by said Commissioners, in the penal sum of five hundred dollars, or in such penalty over that amount, not exceeding one thousand dollars, as said Commissioners may prescribe, conditioned that he shall well and faithfully perform the duties of said office in all things, appertaining thereto according to law and the ordinances of said Commissioners, and shall well and truly collect and pay over to the said Treasurer of said corporation all taxes levied by said Commissioners, and all other sums of money that may be received by him for the use of said corporation; and his bond aforesaid shall be recorded in the office of the clerk of the Circuit Court for Caroline County, and

a certified copy under the hand of said clerk and seal of said court shall be received and taken as evidence in any of the courts of this State or by any justice of the peace. (1949, ch. 498, sec. 312U.)

Section 223. Collection of taxes.

(a) *Delivering of notice.* On the first day of February in each year taxes shall be deemed to be in arrears, and interest shall be charged and collected on all taxes not then paid from the first day of the preceding September, the date when they shall become due and payable; and immediately after the first day of February the bailiff shall deliver or mail to the best known post-office address of every delinquent who has not prior thereto received the same, an account of his assessment and the taxes and interest due thereon, with a notice or warning to said delinquent thereto attached, that unless payment be made in full within twenty days from the mailing or delivery of such notice, or posting such notice upon the premises, that the same will be collected by process of law. (Res. No. 01-04, 7-24-01.)

(b) *Bailiff's duties.* The said bailiff shall collect and pay over to the Treasurer on or before the first day of July of the next succeeding year all taxes levied by the Commissioners and placed in his hands for Collection and for the purpose of enforcing the foregoing provisions, the said Commissioners are hereby authorized, empowered and directed to examine the books and papers of the said bailiff, including the receipts from said Treasurer, to ascertain whether said taxes which were placed in his hands for collection have been collected; and the said bailiff is hereby directed to deliver said books, papers and receipts to said Commissioners, and to assist them in every way that they may require in making said examination; and if said Commissioners, or a majority of them, shall find that all of said taxes, save those which are insolvent, have not been collected, they are hereby directed to immediately cause suit to be entered on said bailiff's bond for the amount remaining uncollected, after having deducted therefrom the amount which is insolvent and uncollectible, and such suit shall be brought for the use of the Commissioners of Henderson; and any judgment entered against said bailiff and his bond in said suit shall be immediately collected by said Commissioners as other judgments are now collected; and the amount so collected shall be immediately paid over to the Treasurer. (1949, ch. 498, sec. 312V.)

Section 224. Discount on taxes.

All taxpayers who shall pay their taxes in the month of August following the date of their levy shall be entitled to a discount of five percent; all who shall pay in September following the date of their levy shall be entitled to a discount of four per cent; all who shall pay in October following the date of their levy shall be entitled to a discount of three per cent, which shall be allowed by the bailiff in his settlement with them, and which shall be allowed the said bailiff in his settlement with the Commissioners or Treasurer. (1949, ch. 498, sec. 312W.)

Section 225. Officers' books and papers.

All books, papers and documents belonging to the office of the bailiff, or of any other officer of said town, shall be the property of the said corporation, and at all times subject to examination by the Commissioners or any of them. (1949, ch. 498, sec. 312X.)

Section 226. Powers.

The said Commissioners may pass such by-laws and ordinances as they shall deem necessary for the good government of said town and the inhabitants thereof; and for (1) the maintaining of a jail or lock-up for the temporary detention, when necessary, of persons who would be by law liable to detention in the county jail; also for the prevention, removal or abatement of nuisance; to prevent swine, geese, animals, stock and poultry of every kind from going at large; for controlling the erection and location of buildings, mobile homes, junk yards, fences, stock enclosures, and for prohibiting and controlling the use of powder, firearms, firecrackers and other explosives; (2) for the controlling of the repairs of any buildings when repaired to the extent of new roof or weather-boarding; for the protection of public property and sidewalks and streets and to regulate the use of the same, including the rate of speed over them, and to protect shade or ornamental trees from injury or obstructions; for the paving of sidewalks, and assessing and taxing the expense thereof in whole or in part upon the respective owners of the property fronting thereon; (3) for the regulating of the running of traction engines through said town and prescribing the kind of fuel to be used therein; for the laying of sewers or other drains and to regulate the use thereof, and to enter into contracts with property owners for the use thereof for a term of one or more years, and to provide in said contract for the collection of any rents or other sums of money charged by said Commissioners for the use thereof, which rents or other charges shall be a lien upon the property connected with said sewer, and shall be collected by the bailiff as taxes levied by said Commissioners are collected; (4) for license, or tax on public exhibitions or amusements of all kinds, billiards, pool or bagatelle tables and ten-pin alleys, and for the collection of the same; for a tax on persons for every dog kept by them, and to cause any dog to be killed; for tax on telephone, telegraph and electric light poles; for the promotion of the morality, health, convenience and safety of the inhabitants of said town; (5) for the opening, widening, extending, repairing, improving and closing up of streets, lanes or alleys, or for the laying of any sewers or water mains, or opening of any drains over private property; for the establishment and operation of a water supply system, for requiring connection to the system, and the setting of rates and other charges for by the system and may be collected as taxes levied by the Commissioners are collected. (1949, ch. 498, sec. 312Y; Res. No. 92-1, 7-3-92.)

Section 227. Benefits and damages; condemnation.

(a) *How determined.* Benefits and damages to private property as a result of the exercise of powers conferred in Section 226(5) shall be determined and assessed by three disinterested persons, residents of said town, to be appointed by said Commissioners, who shall within a reasonable time after the notification of their appointment take an oath before a justice of the peace or notary public for Caroline County that they will faithfully, fairly and without partiality or prejudice, value or assess in money the loss and damage to be suffered and incurred, as well as benefits to be received by any person interested in the property over, through and near said street, lane, alley, sewer or drain to be opened, closed, extended, widened or improved. They shall then make such valuation, return the same in writing, under their hands and seals, together with a certificate of a justice of the peace or notary public that they have taken the oath provided in this section as aforesaid to the said Commissioners.

(b) *Appeals.* The said valuation and assessment shall be ratified or rejected by the said Commissioners, as they in their judgment may deem proper; and if any person shall feel aggrieved by the determination of the said Commissioners in ratifying or rejecting said award or return, or in the amount of compensation awarded, benefits assessed or in any manner relating to the same, he may appeal within sixty days after said ratification to the Circuit Court for Caroline County, and either party shall be entitled to a trial by a jury, and the judgment of said court shall be final; provided, that the person taking such appeal shall, within ten days, file notice of appeal with said Commissioners in writing, and in twenty days thereafter cause to be delivered to the clerk of the Circuit Court aforesaid a copy of said award filed with said Commissioners, together with a copy of the order of the said Commissioners ratifying or rejecting the same, and all other papers relating thereto.

(c) *Condemnation.* Said Commissioners may, at their option, use the powers and modes of condemnation provided by other laws of the State for the taking of private property under the power of eminent domain. (1949, ch. 498, sec. 312Z.)

Section 228. Sewer and water rates.

The Commissioners of Henderson shall have the power to pass ordinances and make by-laws providing for the rates, rents and charges for the use and service of sewerage, drainage and water supply systems, which rates, rents and charges are hereby declared to be and made liens upon property used or served by such sewerage, drainage or water supply systems until paid, and the same shall be collectible as other municipal taxes are now collectible in the town of Henderson, as prescribed by law. (1949, ch. 498, sec. 312AA.)

Section 229. Sidewalks.

The expenses and costs of paving, repairing or otherwise improving the sidewalks in said town, incurred by the said Commissioners, may be charged and recovered by them, in the name of the corporation, from the owner of the property fronting thereon, in proportion to the amount expended in the immediate front on said property by suit or action at law against the owner thereof, as other debts are collected; and the expense of such paving shall be a lien upon the property chargeable therewith. (1949, ch. 498, sec. 312BB.)

Section 230. Tenant under sections 228, 229.

A tenant for more than five years, or for life, and a mortgagee in possession, as well as the holder of the first vested freehold estate, shall be deemed and taken as owner for the purpose of sections 228 and 229. (1949, ch. 498, sec. 312CC.)

Section 231. Taxes charged to tenant.

All taxes, whether general or special, levied by said Commissioners upon any house or parcel of land within said town, which is not occupied by the owner thereof, may be charged to the tenant or other occupant, who shall be liable to like process for the payment thereof; and the tenant or other occupant paying said taxes may charge the same to the owner of the house, lot or

parcel of land, or deduct the same from the rent then due or which shall next become due thereon. (1949, ch. 498, sec. 312DD.)

Section 232. Penalties on ordinances.

The said Commissioners of Henderson shall have power to provide in any of their by-laws an ordinance for a fine or penalty in amount not exceeding fifty dollars to be imposed upon any person or persons for the violation thereof and the bailiff and under-bailiffs of Henderson are hereby clothed with all the authority conferred upon constables by the laws of this State, and are empowered to take cognizance of all offenses committed in said town, as well as those against the laws of the State of Maryland, as against the by-laws and ordinances of the said town. (1949, ch. 498, sec. 312EE.)

Section 233. Quorum of Commissioners.

At the meetings of said Commissioners, three shall constitute a quorum, and all questions submitted shall be decided by the majority of those present; but less than a quorum may appoint the time for a subsequent meeting and adjourn. (1949, ch. 498, sec. 312FF.)

Section 234. Manufacturers' tax exemption.

The said Commissioners may in their discretion exempt and release from assessment or taxation any or all machinery, plants and property used in manufacturing, for such period as they may deem expedient, by agreement or otherwise. (See note (2)) (1949, ch. 498, sec. 312GG.)

Section 235. Borrowing power.

Said Commissioners shall whenever they shall deem necessary borrow on the credit of said town, by note, bonds or otherwise, any amount they may deem necessary, to ensure the Health and Welfare of its citizens. (1949, ch. 498, sec. 312-II; Res. 89-2, 5-23-89.)

Section 236. Separability provisions.

If any section or clause of this Act shall be held invalid, such invalidity shall not affect the validity of the remaining portions. (1949, ch. 498, sec. 312JJ.)

APPENDIX I

Urban Renewal Authority for Slum Clearance

A1-101. Definitions.

- (a) In this appendix the following words have the meanings indicated.
- (b) “Blighted area” means an area or single property in which the building or buildings have declined in productivity by reason of obsolescence, depreciation, or other causes to an extent they no longer justify fundamental repairs and adequate maintenance.
- (c) “Bonds” means any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures, or other obligations.
- (d) “Federal government” means the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.
- (e) “Municipality” means the Town of Henderson, Maryland.
- (f) “Person” means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic. It includes any trustee, receiver, assignee, or other person acting in similar representative capacity.
- (g) “Slum area” means any area or single property where dwellings predominate which, by reason of depreciation, overcrowding, faulty arrangement or design, lack of ventilation, light, or sanitary facilities, or any combination of these factors, are detrimental to the public safety, health, or morals.
- (h) “Urban renewal area” means a slum area or a blighted area or a combination of them which the municipality designates as appropriate for an urban renewal project.
- (i) “Urban renewal plan” means a plan, as it exists from time to time, for an urban renewal project. The plan shall be sufficiently complete to indicate any land acquisition, demolition, and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum density, and building requirements.
- (j) “Urban renewal project” means undertakings and activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part of them in accordance with an urban renewal plan. These undertakings and activities may include:
- (1) Acquisition of a slum area or a blighted area or portion of them;

- (2) Demolition and removal of buildings and improvements;
- (3) Installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out the urban renewal objectives of this appendix in accordance with the urban renewal plan;
- (4) Disposition of any property acquired in the urban renewal area, including sale, initial leasing, or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan;
- (5) Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;
- (6) Acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, unsanitary, or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; and
- (7) The preservation, improvement, or embellishment of historic structures or monuments.

A1-102. Powers.

- (a) The municipality may undertake and carry out urban renewal projects.
- (b) These projects shall be limited:
 - (1) To slum clearance in slum or blighted areas and redevelopment or the rehabilitation of slum or blighted areas;
 - (2) To acquire in connection with those projects, within the corporate limits of the municipality, land and property of every kind and any right, interest, franchise, easement, or privilege, including land or property and any right or interest already devoted to public use, by purchase, lease, gift, condemnation, or any other legal means; and
 - (3) To sell, lease, convey, transfer, or otherwise dispose of any of the land or property, regardless of whether or not it has been developed, redeveloped, altered, or improved and irrespective of the manner or means in or by which it may have been acquired, to any private, public, or quasi-public corporation, partnership, association, person, or other legal entity.
- (c) Land or property taken by the municipality for any of these purposes or in connection with the exercise of any of the powers which are granted by this appendix to the municipality by exercising the power of eminent domain may not be taken without just

compensation, as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to the compensation.

(d) All land or property needed or taken by the exercise of the power of eminent domain by the municipality for any of these purposes or in connection with the exercise of any of the powers granted by this appendix is declared to be needed or taken for public uses and purposes.

(e) Any or all of the activities authorized pursuant to this appendix constitute governmental functions undertaken for public uses and purposes and the power of taxation may be exercised, public funds expended, and public credit extended in furtherance of them.

A1-103. Additional powers.

The municipality has the following additional powers. These powers are declared to be necessary and proper to carry into full force and effect the specific powers granted in this appendix and to fully accomplish the purposes and objects contemplated by the provisions of this section:

(1) To make or have made all surveys and plans necessary to the carrying out of the purposes of this appendix and to adopt or approve, modify, and amend those plans. These plans may include, but are not limited to:

(i) Plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements;

(ii) Plans for the enforcement of codes and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements; and

(iii) Appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of urban renewal projects and related activities; and to apply for, accept, and utilize grants of funds from the federal government or other governmental entity for those purposes;

(2) To prepare plans for the relocation of persons (including families, business concerns, and others) displaced from an urban renewal area, and to make relocation payments to or with respect to those persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of payments financed by the federal government;

(3) To appropriate whatever funds and make whatever expenditures as may be necessary to carry out the purposes of this appendix, including, but not limited:

(i) To the payment of any and all costs and expenses incurred in connection with, or incidental to, the acquisition of land or property, and for the demolition,

removal, relocation, renovation, or alteration of land, buildings, streets, highways, alleys, utilities, or services, and other structures or improvements, and for the construction, reconstruction, installation, relocation, or repair of streets, highways, alleys, utilities, or services, in connection with urban renewal projects;

(ii) To levy taxes and assessments for those purposes;

(iii) To borrow money and to apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the federal government, the state, county, or other public bodies, or from any sources, public or private, for the purposes of this appendix, and to give whatever security as may be required for this financial assistance; and

(iv) To invest any urban renewal funds held in reserves or sinking funds or any of these funds not required for immediate disbursement in property or securities which are legal investments for other municipal funds;

(4) (i) To hold, improve, clear, or prepare for redevelopment any property acquired in connection with urban renewal projects;

(ii) To mortgage, pledge, hypothecate, or otherwise encumber that property; and

(iii) To insure or provide for the insurance of the property or operations of the municipality against any risks or hazards, including the power to pay premiums on any insurance;

(5) To make and execute all contracts and other instruments necessary or convenient to the exercise of its powers under this appendix, including the power to enter into agreements with other public bodies or agencies (these agreements may extend over any period, notwithstanding any provision or rule of law to the contrary), and to include in any contract for financial assistance with the federal government for or with respect to an urban renewal project and related activities any conditions imposed pursuant to federal laws as the municipality considers reasonable and appropriate;

(6) To enter into any building or property in any urban renewal area in order to make inspections, surveys, appraisals, soundings, or test borings, and to obtain an order for this purpose from the circuit court for the county in which the municipality is situated in the event entry is denied or resisted;

(7) To plan, replan, install, construct, reconstruct, repair, close, or vacate streets, roads, sidewalks, public utilities, parks, playgrounds, and other public improvements in connection with an urban renewal project; and to make exceptions from building regulations;

(8) To generally organize, coordinate, and direct the administration of the provisions of this appendix as they apply to the municipality in order that the objective of

remedying slum and blighted areas and preventing its causes within the municipality may be promoted and achieved most effectively; and

(9) To exercise all or any part or combination of the powers granted in this appendix.

A1-104. Establishment of Urban Renewal Agency.

(a) A municipality may itself exercise all the powers granted by this appendix, or may, if its legislative body by ordinance determines the action to be in the public interest, elect to have the powers exercised by a separate public body or agency.

(b) In the event the legislative body makes that determination, it shall proceed by ordinance to establish a public body or agency to undertake in the municipality the activities authorized by this appendix.

(c) The ordinance shall include provisions establishing the number of members of the public body or agency, the manner of their appointment and removal, and the terms of the members and their compensation.

(d) The ordinance may include whatever additional provisions relating to the organization of the public body or agency as may be necessary.

(e) In the event the legislative body enacts this ordinance, all of the powers by this appendix granted to the municipality, from the effective date of the ordinance, are vested in the public body or agency established by the ordinance.

A1-105. Powers withheld from the Agency.

The Agency may not:

(1) Pass a resolution to initiate an urban renewal project pursuant to sections A1-102 and A1-103 of this appendix;

(2) Issue general obligation bonds pursuant to section A1-111 of this appendix; or

(3) Appropriate funds or levy taxes and assessments pursuant to section A1-103(3) of this appendix.

A1-106. Initiation of project.

In order to initiate an urban renewal project, the legislative body of the municipality shall adopt a resolution which:

(1) Finds that one or more slum or blighted areas exist in the municipality;

(2) Locates and defines the slum or blighted area; and

(3) Finds that the rehabilitation, redevelopment, or a combination of them, of the area or areas, is necessary and in the interest of the public health, safety, morals, or welfare of the residents of the municipality.

A1-107. Preparation and approval of plan for urban renewal project.

(a) In order to carry out the purposes of this appendix, the municipality shall have prepared an urban renewal plan for slum or blighted areas in the municipality, and shall approve the plan formally. The municipality shall hold a public hearing on an urban renewal project after public notice of it by publication in a newspaper having a general circulation within the corporate limits of the municipality. The notice shall describe the time, date, place, and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration. Following the hearing, the municipality may approve an urban renewal project and the plan therefor if it finds that:

(1) A feasible method exists for the location of any families or natural persons who will be displaced from the urban renewal area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to the families or natural persons;

(2) The urban renewal plan conforms substantially to the master plan of the municipality as a whole; and

(3) The urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise.

(b) An urban renewal plan may be modified at any time. If modified after the lease or sale of real property in the urban renewal project area, the modification may be conditioned upon whatever approval of the owner, lessee, or successor in interest as the municipality considers advisable. In any event, it shall be subject to whatever rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert. Where the proposed modification will change substantially the urban renewal plan as approved previously by the municipality, the modification shall be approved formally by the municipality, as in the case of an original plan.

(c) Upon the approval by the municipality of an urban renewal plan or of any modification of it, the plan or modification shall be considered to be in full force and effect for the respective urban renewal area. The municipality may have the plan or modification carried out in accordance with its terms.

A1-108. Disposal of property in urban renewal area.

(a) The municipality may sell, lease, or otherwise transfer real property or any interest in it acquired by it for an urban renewal project to any person for residential, recreational, commercial, industrial, educational, or other uses or for public use, or it may retain the property or interest for public use, in accordance with the urban renewal plan and subject to whatever covenants, conditions, and restrictions, including covenants running with the land, as it considers necessary or desirable to assist in preventing the development or spread of future slums or blighted areas or to otherwise carry out the purposes of this appendix. The purchasers or lessees and their successors and assigns shall be obligated to devote the real property only to the uses specified in the urban renewal plan, and may be obligated to comply with whatever other requirements the municipality determines to be in the public interest, including the obligation to begin within a reasonable time any improvements on the real property required by the urban renewal plan. The real property or interest may not be sold, leased, otherwise transferred, or retained at less than its fair value for uses in accordance with the urban renewal plan. In determining the fair value of real property for uses in accordance with the urban renewal plan, the municipality shall take into account and give consideration to the uses provided in the plan, the restrictions upon, and the covenants, conditions, and obligations assumed by the purchaser or lessee or by the municipality retaining the property, and the objectives of the plan for the prevention of the recurrence of slum or blighted areas. In any instrument or conveyance to a private purchaser or lessee, the municipality may provide that the purchaser or lessee may not sell, lease, or otherwise transfer the real property without the prior written consent of the municipality until he has completed the construction of any or all improvements which he has obligated himself to construct on the property. Real property acquired by the municipality which, in accordance with the provisions of the urban renewal plan, is to be transferred, shall be transferred as rapidly as feasible in the public interest consistent with the carrying out of the provisions of the urban renewal plan. Any contract for the transfer and the urban renewal plan (or any part or parts of the contract or plan as the municipality determines) may be recorded in the land records of the county in which the municipality is situated in a manner so as to afford actual or constructive notice of it.

(b) The municipality may dispose of real property in an urban renewal area to private persons. The municipality may, by public notice by publication in a newspaper having a general circulation in the community invite proposals from and make available all pertinent information to private redevelopers or any persons interested in undertaking to redevelop or rehabilitate an urban renewal area, or any part thereof. The notice shall identify the area, or portion thereof, and shall state that proposals shall be made by those interested within a specified period. The municipality shall consider all redevelopment or rehabilitation proposals and the financial and legal ability of the persons making proposals to carry them out, and may negotiate with any persons for proposals for the purchase, lease, or other transfer of any real property acquired by the municipality in the urban renewal area. The municipality may accept any proposal as it deems to be in the public interest and in furtherance of the purposes of this subheading. Thereafter, the municipality may execute and deliver contracts, deeds, leases, and other instruments and take all steps necessary to effectuate the transfers.

(c) The municipality may operate temporarily and maintain real property acquired by it in an urban renewal area for or in connection with an urban renewal project pending the disposition of the property as authorized in this appendix, without regard to the provisions of subsection (a), for uses and purposes considered desirable even though not in conformity with the urban renewal plan.

(d) Any instrument executed by the municipality and purporting to convey any right, title, or interest in any property under this appendix shall be presumed conclusively to have been executed in compliance with the provisions of this appendix insofar as title or other interest of any bona fide purchasers, lessees, or transferees of the property is concerned.

A1-109. Eminent domain.

Condemnation of land or property under the provisions of this appendix shall be in accordance with the procedure provided in the real property article of the Annotated Code of Maryland.

A1-110. Encouragement of private enterprise.

The municipality, to the extent it determines to be feasible in carrying out the provisions of this appendix, shall afford maximum opportunity to the rehabilitation or redevelopment of any urban renewal area by private enterprise consistent with the sound needs of the municipality as a whole. The municipality shall give consideration to this objective in exercising its powers under this appendix.

A1-111. General obligation bonds.

For the purpose of financing and carrying out of an urban renewal project and related activities, the municipality may issue and sell its general obligation bonds. Any bonds issued by the municipality pursuant to this section shall be issued in the manner and within the limitations prescribed by applicable law for the issuance and authorization of general obligation bonds by the municipality, and also within limitations determined by the municipality.

A1-112. Revenue bonds.

(a) In addition to the authority conferred by section A1-111 of this appendix, the municipality may issue revenue bonds to finance the undertaking of any urban renewal project and related activities. Also, it may issue refunding bonds for the payment or retirement of the bonds issued previously by it. The bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality derived from or held in connection with the undertaking and carrying out of urban renewal projects under this appendix. However, payment of the bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant, or contribution from the federal government or other source, in aid of any urban renewal projects of the municipality under this appendix, and by a mortgage of any urban renewal project, or any part of a project, title to which is in the municipality. In addition, the municipality may enter into an indenture of trust with any private

banking institution of this State having trust powers and may make in the indenture of trust covenants and commitments required by any purchaser for the adequate security of the bonds.

(b) Bonds issued under this section do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, are not subject to the provisions of any other law or charter relating to the authorization, issuance, or sale of bonds, and are exempted specifically from the restrictions contained in sections 9, 10, and 11 of Article 31 (Debt – Public) of the Annotated Code of Maryland. Bonds issued under the provisions of this appendix are declared to be issued for an essential public and governmental purpose and, together with interest on them and income from them, are exempt from all taxes.

(c) Bonds issued under this section shall be authorized by resolution or ordinance of the legislative body of the municipality. They may be issued in one or more series and:

- (1) Shall bear a date or dates;
- (2) Mature at a time or times;
- (3) Bear interest at a rate or rates;
- (4) Be in a denomination or denominations;
- (5) Be in a form either with or without coupon or registered;
- (6) Carry a conversion or registration privilege;
- (7) Have a rank or priority;
- (8) Be executed in a manner;
- (9) Be payable in a medium or payment, at a place or places, and be subject to terms of redemption (with or without premium);
- (10) Be secured in a manner; and
- (11) Have other characteristics, as are provided by the resolution, trust indenture, or mortgage issued pursuant to it.

(d) These bonds may not be sold at less than par value at public sales which are held after notice is published prior to the sale in a newspaper having a general circulation in the area in which the municipality is located and in whatever other medium of publication as the municipality may determine. The bonds may be exchanged also for other bonds on the basis of par. However, the bonds may not be sold to the federal government at private sale at less than par, and, in the event less than all of the authorized principal amount of the bonds is sold to the federal government, the balance may not be sold at private sale at less than par at an interest cost

to the municipality which does not exceed the interest cost to the municipality of the portion of the bonds sold to the federal government.

(e) In case any of the public officials of the municipality whose signatures appear on any bonds or coupons issued under this appendix cease to be officials of the municipality before the delivery of the bonds or, in the event any of the officials have become such after the date of issue of them, the bonds are valid and binding obligations of the municipality in accordance with their terms. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this appendix are fully negotiable.

(f) In any suit, action, or proceeding involving the validity or enforceability of any bond issued under this appendix, or the security for it, any bond which recites in substance that it has been issued by the municipality in connection with an urban renewal project shall be considered conclusively to have been issued for that purpose, and the project shall be considered conclusively to have been planned, located, and carried out in accordance with the provisions of this appendix.

(g) All banks, trust companies, bankers, savings banks, and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries, may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by the municipality pursuant to this appendix. However, the bonds and other obligations shall be secured by an agreement between the issuer and the federal government in which the issuer agrees to borrow from the federal government and the federal government agrees to lend to the issuer, prior to the maturity of the bonds or other obligations, moneys in an amount which (together with any other moneys committed irrevocably to the payment of principal and interest on the bonds or other obligations) will suffice to pay the principal of the bonds or other obligations with interest to maturity on them. The moneys under the terms of the agreement shall be required to be used for the purpose of paying the principal of and the interest on the bonds or other obligations at their maturity. The bonds and other obligations shall be authorized security for all public deposits. This section authorizes any persons or public or private political subdivisions and officers to use any funds owned or controlled by them for the purchase of any bonds or other obligations. With regard to legal investments, this section may not be construed to relieve any person of any duty of exercising reasonable care in selecting securities.

A1-113. Short title.

This appendix shall be known and may be cited as the Henderson Urban Renewal Authority for Slum Clearance Act.

A1-114. Authority to amend or repeal.

This appendix, enacted pursuant to Article III, Section 61 of the Constitution of Maryland, may be amended or repealed only by the General Assembly of Maryland.

NOTES

- (1) Thus in the Act of 1949. Sec. 312F (sec. 207 in this Code) probably intended.
- (2) Sec. 312HH of ch. 498 of 1949, concerning road payments by the county to the town, was repealed by ch. 230 of 1965.

